

# MILDURA PLANNING SCHEME REVIEW 2018

## CONSULTATION BULLETIN - GIVE US YOUR FEEDBACK!

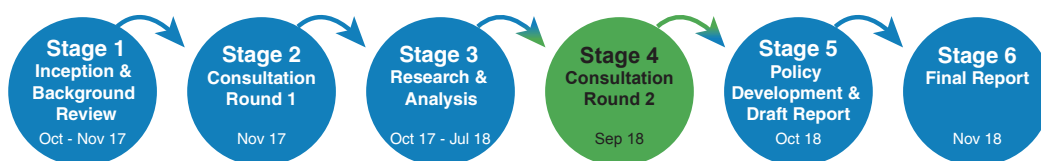
### Council is Currently Reviewing the Mildura Planning Scheme

The review is examining all the local provisions in the scheme - including the objectives and policies - and will make sure they are up to date, written clearly, and express Council's priorities.

The review takes into consideration stakeholder views, strategic work and recent planning reforms including proposed, active and implemented planning scheme amendments.

### Timeline

The project commenced in October 2017 and is expected to be completed by February 2019. It involves three rounds of public consultation opportunities for people to get involved.



### Current Status

This round of consultation is the second opportunity for members of the community to participate in the review. In this round of consultation, Council is providing information about the research undertaken, and the potential contents of the report and key directions to be explored in the final review. Council is keen to receive feedback from the community and stakeholders to:

- Test and validate the research and analysis undertaken to date
- Identify any missing issues
- Involve people in discussion about the development of potential solutions.

### Providing Feedback

Please provide your views regarding any of the matters raised in this bulletin or any additional matters that should be included in the planning scheme review as follows:

- Written feedback – should be provided by **1 October 2018**
- Request to attend a meeting regarding the project on **25 or 26 September** – RSVP by **21 September 2018**

Please provide feedback and meeting requests to the Strategic Planning Team on (03) 5018 8100 or via email at [planning.services@mildura.vic.gov.au](mailto:planning.services@mildura.vic.gov.au).

More information can be found on Council's website:



### Next Steps

Stage 5 of the project will involve the preparation of a draft report for the 'Mildura Planning Scheme Review 2018', which will then be placed on public exhibition for comment and formal submissions. Stage 6 will involve making changes to the draft report following submissions and Council adopting the final report.

# MILDURA PLANNING SCHEME REVIEW 2018

## FREQUENTLY ASKED QUESTIONS

### What is a Planning Scheme?

The Mildura Planning Scheme sets out the long-term vision for Mildura Rural City Council in respect to land use and sets objectives and policies around social, economic and environmental change. The planning scheme regulates the use and development of land through planning provisions, which require residents and developers to gain planning permission for some activities, such as building, subdividing land or removing native vegetation.

### Why Review the Planning Scheme?

The Planning and Environment Act 1987 requires Council to review its planning scheme every four years to make sure it is: up-to-date, delivers state planning policy, provides clear directions for planning decisions and is user-friendly.

The review is an audit of the performance of the planning scheme at a point in time and will inform the continuous improvement of the planning scheme by addressing key questions:

- What has been achieved since the last review in 2014?
- Where are we now?
- Where to from here and how will the municipality change over the next 20 years?

The review aims to maintain the strategic focus of the planning scheme and ensure Council and the community's continued ownership and commitment to the strategic direction and content of the Mildura Planning Scheme. A copy of the previous 2014 Mildura Planning Scheme Review can be found on Council's website.

### MORE INFORMATION

If you would like to discuss the Mildura Planning Scheme Review please visit us at the:

MRCC Deakin Avenue Service Centre  
76 Deakin Avenue, Mildura

Or alternatively, you can contact:

Strategic Planning Team  
Mildura Rural City Council  
PO Box 105, Mildura Victoria 3502  
p: 03 5018 8100  
e: [planning.services@mildura.vic.gov.au](mailto:planning.services@mildura.vic.gov.au)

#### Access the Mildura Planning Scheme online:

<http://planningschemes.dtpli.vic.gov.au/schemes/mildura>

#### An online Guide to the Victorian Planning System:

A Victorian Government website to learn about the planning system in Victoria and find helpful documentation to assist you in understanding it.

<https://www.planning.vic.gov.au/guide-home/guide-to-victorias-planning-system>

#### Sign up for project updates:

The community will have many chances to have their say during the project, at events, via surveys and online feedback forms. Please register your interest by emailing your details to [planning.services@mildura.vic.gov.au](mailto:planning.services@mildura.vic.gov.au) and specifically stating that you would like to be kept up to date with project progress.

# MILDURA PLANNING SCHEME REVIEW 2018

## PAST PLANNING SCHEME REVIEWS

### Past Planning Scheme Reviews

Following Council amalgamations, new format planning schemes were developed for all municipalities across Victoria, with the new format Mildura Planning Scheme (MPS) approved in 1999. Since that time, the MPS has been reviewed three times: in 2003, 2010 and 2014.

Some of strategic work identified in the previous 2014 review is yet to be addressed and requires action. Outstanding issues include:

- Reviewing the structure of the Mixed Use Zone (MUZ) to identify land use objectives.
- Reviewing the particular provisions of the planning scheme for appropriate opportunities to provide local policy direction.
- Providing an update to the policy framework relating to the Farming Zone (FZ) as it affects preferred land uses, particularly considering Group Accommodation and Caravan Parks.
- Developing policy that recognises the benefits of the Sunraysia Modernisation Project and the following emerging industries: sustainable energy (including solar parks and wind farms), mineral sand extraction and agricultural value-adding industries.
- The need to identify and protect important industries requiring buffer distances.

The background, context and potential reform to the Mildura Planning Scheme in response to each of the above issues is explored in more detail in this bulletin.

### Current Planning Scheme Review

An initial round of consultation was undertaken between 27 November 2017 and 12 January 2018 to identify key issues and concerns with the Mildura Planning Scheme. This round of consultation consisted of four workshops with stakeholders and the opportunity to provide feedback.

A great variety of issues were raised through this stage of the project, including:

- The establishment of budget accommodation outside the urban area to support seasonal workers.
- A desire to re-examine issues related to the settlement strategy for Mildura, particularly property issues pertaining to the Mildura Older Irrigation Area (MOIA).
- Issues related to renewable energy, including household solar generation and the location of commercial-scale facilities.
- Policy and planning provisions relating to Benetook Avenue and the truck bypass.
- Updates and improvements to the environmental policies within the planning scheme.
- A desire to examine policies relating to retail locations and support for investment in local industries and job creation.
- Monitoring and control of the weed Cumbungi at Lake Cullulleraine, and creation of an exemption within the planning scheme.
- The zoning of the Hattah township.
- The establishment of a Merbein South Growth Area.
- Various requests for zoning and overlay changes relating to specific properties.



# MILDURA PLANNING SCHEME REVIEW 2018

## KEY ISSUES AND CHALLENGES

### Land Use Objectives of the Mixed Use Zone

The previous review (2014) identified that schedules to the Mixed Use Zone (MUZ) could be used to vary the effect of the MUZ in each area and achieve the differing land use objectives and preferred outcomes for these areas.

There are four areas within the municipality that are subject to the MUZ. Despite having significantly different contexts and strategic objectives, reforms to the MUZ at the State-level have effectively removed any distinction between the policy outcomes encouraged in each area. Further, there are only limited policy references within the Mildura Planning Scheme to the preferred outcomes in these areas, despite supporting reference documents providing some land use directions.

### *Preliminary Recommendation*

It is suggested that a planning scheme amendment could be prepared to introduce four new schedules to the MUZ, and some broad policy guidance to the Municipal Strategic Statement (MSS), to achieve the land use objectives for each area outlined in the table below.

Table 1 - Preliminary Recommendation by region

	Mildura CBD	Irymple Adjacent to Henshilwood Reserve	Irymple North of 15th Street and Karadoc Avenue intersection	Nichols Point
<b>Existing strategic document</b>	Mildura CBD Plan 2007 (Precinct G)	Irymple Structure Plan 2012	Irymple Structure Plan 2012	Nichols Point Report for Residential Development Plan
<b>Vision</b>	To reflect the growth area of the CBD To provide a services role To increase the number of residents living and working in the CBD	Encourage housing diversity and choice, including affordable housing Provide for smaller households and older residents to 'age in place'	Encourage housing diversity and choice, including affordable housing Provide for smaller households and older residents to 'age in place'	To provide a local convenience centre for the residents of Nichols Point
<b>Land use objectives</b>	Residential at upper levels Commercial and offices at ground level	Higher density residential at upper levels Community and recreational uses Small-scale retail and offices	Higher density residential at upper levels Small-scale retail and offices at ground level	Community uses Convenience retailing
<b>Other objectives</b>	Avoid clustering of like uses within the precinct	Encourage connectivity to the existing Henshilwood Recreation Reserve	Encourage connectivity to the existing supermarket (IGA)	N/A



# MILDURA PLANNING SCHEME REVIEW 2018

## KEY ISSUES AND CHALLENGES

### Review of the Particular Provisions

As noted in previous reviews, there is an opportunity to:

*“... review and audit specific and particular provisions schedules and determine whether there is strategic justification for preparing local amendments to these provisions.”*

The ability to specify a local requirement allows Council to create objectives and standards which are more appropriate to the local context and reflect local policies. Such variations need to be strategically justified and implemented through an amendment to the Mildura Planning Scheme.

Of the 10 schedules within the particular provisions which can be varied, Council has not included content for seven. In the three instances where Council has provided a local variation, the local policy is generally minimalistic.

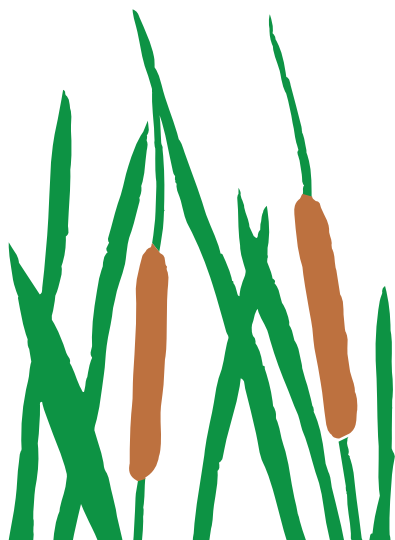
### Preliminary Recommendation

It is suggested that only two particular provisions be modified to include local content:

- Modify the schedule to Clause 52.17 ‘Native Vegetation’ to exempt the removal of Cumbungi at Lake Cullulleraine and its riparian zone from the need for a planning permit.
- If the dry stone walls identified within the Mildura Heritage Study Part A are found to be locally significant, then modify the Schedule to Clause 52.33 ‘Post boxes and dry stone walls’ to require a permit for their alteration or removal.

A number of other modifications to the schedules within the particular provisions may be appropriate, but require further strategic work to first evaluate the need for change and provide sufficient strategic justification for any future amendment. This includes:

- Following the review of the 2004 Mildura Public Open Space Strategy, Council should evaluate whether an amendment to vary the Schedule to Clause 53.01 is required.
- Council could consider preparing a Native Vegetation Precinct Plan and amending the Schedule to Clause 52.17 ‘Native Vegetation’ to provide a more holistic approach to vegetation management, if this removes the need for many planning permits applications.
- Council could consider modifications to the Schedule to Clause 52.28 ‘Gaming’, in conjunction with policy to be included elsewhere within the Mildura Planning Scheme, as part of a broader set of actions to reduce the impacts of gambling on the local community.



Review Particular Provisions to exempt the removal of Cumbungi at Lake Cullulleraine

5

# MILDURA PLANNING SCHEME REVIEW 2018

## KEY ISSUES AND CHALLENGES

### Better Protection of Agricultural Land From Encroaching Urban Activities

Four of the five top employment industries in Mildura are related to agriculture, demonstrating the importance of this sector to the local economy. Protecting the supply of viable, agricultural land is thus integral to the health and vitality of the economy and the well-being of residents. The Mildura Older Irrigation Area (MOIA) and the Newer Irrigated Areas (NIA) are key to this outcome, with agriculture from the MOIA estimated to generate approximately \$200 million per year to the local economy. The Farming Zone (FZ) covers large areas of the municipality and protects valuable agricultural land. Over the years competing land uses have started to diminish the supply of productive agricultural land, particularly residential development due to its high demand and value.

#### *Preliminary Recommendation*

Initial investigations have found that the Mildura Planning Scheme contains adequate and successful policies that address most of the concerns raised in relation to the protection of agricultural land.

The exception to this is tourism accommodation, where it is recommended that Clause 22.06 'Budget Accommodation' be expanded to provide more explicit policy guidance in relation to the preferred locations for seasonal worker accommodation, particularly 'Group Accommodation' and 'Camping and Caravan Parks'. The scope of the policy could be expanded as follows:

- Provide explicit direction that some forms of accommodation locate outside of productive agricultural areas. To this end, greater use could be made of the Urban Growth Boundary (UGB) shown in the framework and structure plans in Clause 21.10 'Local Areas'.
- More criteria should be included to explicitly state:
  - Approved accommodation cannot be a person's 'usual place of residence'.
  - That there needs to be a genuine and enduring link between the agricultural activity, and/or the tourism activity and the need for the accommodation.
  - Agriculture should be the primary use of the land and (in combination with value adding activities) should be of a sufficient scale and intensity to justify the accommodation.
  - A proponent must be required to submit a business plan to demonstrate the above.
- If established in a rural area, the scale of the development should be limited and restricted.
- Locating in some intensive rural/agricultural areas is strongly discouraged, particular on lots under a certain size.
- Applications to subdivide land to create individual lots for dwellings approved as Group Accommodation will not be supported.
- Accommodation should have access to infrastructure (such as sealed roads and electricity).
- Accommodation should not detract, or impede, nearby agricultural activities.

As an additional non-planning action, Council should investigate the feasibility of monitoring registered Group Accommodation facilities, and ensuring that they are continuing to be used for their approved purpose.

**Provide more policy guidance in relation to preferred locations for seasonal workers' accommodation**





# MILDURA PLANNING SCHEME REVIEW 2018

## KEY ISSUES AND CHALLENGES

### Recognition of Emerging Industries and the Sunraysia Modernisation Project

As identified in the two previous reviews (2010 and 2014), the Mildura Planning Scheme could better recognise emerging industries within the municipality, through the inclusion of policy in the MSS that recognises and capitalises on the benefits of the Sunraysia Modernisation Project (SMP), including the following emerging industries: Sustainable Energy (including solar parks and wind farms); Mineral Sand Extraction; and Agricultural Value Adding industries.

This issue essentially concerns whether these projects and emerging industries are adequately recognised as well as encouraged and supported, within the current Mildura Planning Scheme.

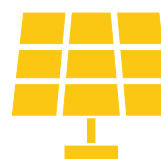
#### *Preliminary Recommendation*

An initial review suggests that more recognition could be given to each topic, by amending the following clauses in the MSS of the Mildura Planning Scheme:

- Clause 21.01 'Municipal Profile'  
Include reference to the SMP; expand the reference to solar energy to include renewable energy, and list recent projects.
- Clause 21.02 'Key influences and issues'  
Include reference to the SMP; and expand the reference to solar energy to include renewable energy.
- Clause 21.03 'Vision and strategic framework'  
Include reference to the SMP. Also include reference to the 'Economic Development' section to recognise that the region contains natural resources and that these have the potential to make a significant contribution to local economic activity.
- Clause 21.05 'Environment' (Specifically Clause 21.05-1 'River and Wetland Health')  
Include reference to the environmental benefits of the SMP.
- Clause 21.06 'Natural Resource Management'  
Create a new section possibly entitled 'Stone and mineral resources'. This section would describe the extent of mineral sand extraction, including statistics (if available) on the economic contribution of mineral sand extraction; and then provide objectives and strategies which are consistent with State policy at Clause 14.03 and provide local detail of how to protect these resources, particularly from encroachment by urban land uses.
- Clause 21.08 'Economic development'  
Include reference to the investment in and economic benefit of the SMP.
- Clause 21.09 'Transport and infrastructure'  
Include reference to the SMP and a new section addressing renewable energy which will include new policy to direct the establishment of new solar energy facilities to areas outside of the MOIA and NIA. In addition to the above, Council could develop a renewable energy strategy to provide clear support for establishing the Mildura Rural City Council as the centre of Australia's solar industry.

**Expand the references of solar energy to include renewable energy.**

**Provide clear support to establish Mildura as the centre of Australia's solar industry.**



# MILDURA PLANNING SCHEME REVIEW 2018

## KEY ISSUES AND CHALLENGES

### Protect Important Industries Requiring Buffer Distances

In the previous review (2014), the Environmental Protection Agency (EPA) suggested that Council consider applying the Environmental Significance Overlay (ESO) around larger industries and intensive animal industries to protect their ongoing operation and provide for future expansion.

An ESO can be used to provide a buffer distance around land uses with adverse amenity potential. This would have the effect of protecting the existing use from encroachment by new incompatible land uses that may restrict its ongoing operation or expansion, as well as notifying surrounding landowners that development within this overlay/buffer area has the potential to be impacted by negative externalities (such as air emissions, noise and light spill). When used this way, the ESO has the potential to mutually protect both parties and minimise land use conflict.

#### *Preliminary Recommendation*

Based on the initial research, the suggestion from the EPA is seen as having merit and it is suggested that Council:

- Identify additional industries/activities within the municipality that would benefit from the creation of a buffer distance around their existing operation, including those industrial uses highlighted in recent VCAT cases, and any others identified through community consultation.
- Calculate appropriate buffer distances for each type of activity, with reference to guidelines from the EPA and Clause 53.10
- Review the ESO4 'Incompatible Land Use Buffer' planning provision, with reference to the draft schedule produced by the Major Hazards Facilities Advisory Committee, particularly to expand the list of permit requirements beyond dwellings to include the following:
  - Accommodation
  - Child care centre
  - Education centre
  - Place of assembly
  - Hospital
  - Subdivide land.
- Consider making the Environment Protection Authority a recommending referral authority for applications in the buffer areas for some industries, and/or the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) for state-significant industries.
- Add the expanded list of industrial activities to Clause 21.07-1 'Avoiding land use conflicts' of the Mildura MSS.

Identify industrial activities and calculate buffer distances to be provided by the Environmental Significance Overlay

